

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WALGREEN CO.,)
Plaintiff,)
v.)
THERANOS, INC.,) JURY TRIAL DEMANDED
Defendant.)

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a) and the terms of a confidential settlement agreement entered into by the parties, Plaintiff Walgreen Co. and Defendant Theranos, Inc., by and through their undersigned counsel, hereby stipulate and agree, subject to the approval of the Court, to the dismissal without prejudice of all claims and prayers for relief in this action. Each party shall bear its own costs, expenses, and attorneys' fees.

This Stipulation of Dismissal without Prejudice is made pursuant to the terms of the parties' confidential settlement agreement. The parties intend to file a further stipulation of dismissal *with* prejudice after certain conditions of the settlement agreement have been satisfied.

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Dated: August 4, 2017

SO ORDERED this _____ day of _____, 2017.

United States District Judge